

# **BOROUGH OF WATCHUNG**

## **COUNCIL MINUTES**

**FEBRUARY 19, 2014 - 7:30 P.M.**

**MAYOR'S STATEMENT:** Mayor Pote called the meeting to order at 7:32 PM and made the following statement: Under the provisions of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of annual notice to the Courier News, Echoes Sentinel, and Star Ledger, and posted at Borough Hall.

### **SALUTE TO THE FLAG and a MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD**

#### **ROLL CALL**

Nehls [ P ] Black [ P ] Franklin [ P ] Joren [ P ] Gibbs [ P ] Beck-Clemens [ A ]

Also present were Administrator Tom Atkins, Attorney Albert Cruz, Clerk Michelle DeRocco, CFO William Hance, Attorney Albert Cruz, Police Chief Joseph Cina, and Deputy Clerk MaryAnn Hance.

There were 9 members of the public present.

#### **Proclamations:**

Agnes Zhelesnik- "100 Years Young"

Dot Braun – Retirement (Presented January 26, 2014)

Mayor Pote announced that due to the inclement weather, Agnes Zhelesnik was not able to be present and the proclamation will be presented at our next Council Meeting on March 6<sup>th</sup>. He said the proclamation for Dot Braun was presented to her on January 26<sup>th</sup> at her retirement dinner.

#### **REPORT OF STANDING COMMITTEES:**

1. Administration & Finance – Councilman Franklin reported the Administration & Finance Committee will be meeting on the third Monday of the each month. He said the Committee will be discussing personnel recommendations for Public Works and their recommendations will be presented to the Mayor and Council for review. Councilman Franklin also reported the Committee will be discussing the budget and issues regarding employee “comp time”. Council President Nehls questioned the status of the Public Works interviews, and Administrator Atkins responded he has not been able to discuss the candidates with Bob Burns because Public Works has been extremely busy with snow removal. He said this is a top priority, and only candidates with their CDL license will be interviewed.
1. Police – Council President Nehls reported the Committee met with Chief Cina and other officers on January 24<sup>th</sup> and started the review of the Department’s budget. He said the Committee will meet one more time and they will then give the information to the Administration/Finance Committee. He also said there are some hiring issues that must be addressed and said Chief Cina will discuss this and the Police Academy issue in his report. Council President Nehls also said the Committee discussed public messaging and discussed how to get information out to the public sooner through Nixel, and other means and also the possibility of utilizing the reverse 911 more often. He said he will be setting up a date for the next meeting with Councilwoman Joren and Councilman Franklin.
3. Public Works / Buildings and Grounds - Council President Nehls reported the Public Works Department has been extremely busy with snow removal and since January the Borough has expended approximately \$118,000 between the purchasing of salt, overtime, and outside contractors hired to assist. He said last year the total for the year for overtime was \$48,000 and so far this year the Borough has used \$33,000. He also reported the total budget for salt was \$50,000 and so far this year to we have expended \$53,000. Council President Nehls said Public Works is working on digging out hydrants and clearing basins. He also announced tomorrow Washington Rock Road will be closed starting at 9:30 AM for additional snow removal and pothole repairs. He said another issue of concern is private contractors that plow snow from driveways into the roadways. He said the Borough does have an Ordinance stating this is not allowed, however, the Borough cannot do anything unless someone files a complaint or calls it into PD while it is happening. He said he would like to further discuss the enforcement of this Ordinance. Councilman Gibbs asked if it is a requirement of our Ordinance that someone has to see this happening and

if so is it possible to amend the Ordinance. Mr. Cruz responded it is a “quasi crime” and you have to have a witness and he does not know if amending the Ordinance would help because you would still need

a burden of proof. He said the Police Department can approach the resident to encourage them to correct the situation. Council President Nehls suggested Chief Cina attend the Laws and ordinance Committee meeting to discuss enforcement. Mayor Pote suggested we put a reminder on the website and in the newsletter.

Council President Nehls reported that at the PW Committee meeting, Buildings and Grounds issues were discussed, in particular, the HVAC system at PD. They will be meeting with the Engineering Company to get the process moving. He also said the committee approved the architect for the Fire House improvements and he said an architectural proposal will be on the next agenda. Council President Nehls also reported the upper end of Glen Eagle Drive has had an ongoing icing problem and Mr. Herits has given an approximate cost for drainage improvements of \$45,000. He also reported we have not heard from the DOT regarding the grant for Knollwood/Deer Run. The grant is only a portion of the \$850,000 total cost for the project with the grant being about \$250,000. Council President Nehls reported Mr. Herits has received a request from the contractor who will be installing the generators to substitute the generators in the specifications, which were Kohler or approved equal, with Caterpillar generators. He said this request is currently being reviewed and once this is completed, a report will be given to the Council.

Mayor Pote asked Council President Nehls to discuss with Mr. Atkins the immediate tasks which must be completed at this time and to seek temporary help for the Department. Council President Nehls said the only task being done at this time is snow removal and the Public Works Department is down one truck and two spreaders. He said the Department will also be working on pothole repairs.

#### 4. Public Affairs:

Open Space – No report was submitted.

Environmental – Councilman Gibbs had no report at this time. He said the Committee will be meeting Monday, February 24<sup>th</sup> at 7:30 PM.

Recreation – No report was submitted.

Historical – No report was submitted.

Board of Health- Councilman Black reported the February meeting was cancelled and the next meeting is scheduled April 16, 2014 at 7:00 PM but if necessary, a meeting could be scheduled in March.

Fire – Councilman Black reported Fire Department members have been helping to dig out hydrants and he asked if there was a possibility of an additional stipend. Councilwoman Joren said she would not support an additional stipend but possibly it could be part of their training or go toward their point system. She mentioned that it was reported in the Echoes Sentinel that the Long Hill Volunteer Fire Department has spent many hours digging out their hydrants. Councilman Black said there is a radio drill scheduled for next week.

Laws/Ordinances – Councilwoman Joren reported there has been no meeting to date but there is one scheduled for February 24<sup>th</sup> at 5:00 PM.

#### **REPORTS - OTHER:**

Engineer – Council President Nehls said he has already discussed grants and generators earlier in the meeting. Mr. Herits had submitted a report.

Police Chief – Chief Cina reported the Somerset County crash reconstruction team has had to be called in to Watchung twice this year. He said the first incident was on January 4<sup>th</sup> when a truck going up Hillcrest Road became disabled and both occupants got out to direct traffic and the truck slipped out of gear and ran over one of the men. He said the man was airlifted to Morris Town Memorial Hospital and subsequently released and is doing much better. The truck has been towed for inspection to determine if it was, in fact, a vehicle mechanical failure or an operator error. Chief Cina also reported the second incident occurred on February 2<sup>nd</sup> and upon further inspection it was determined the vehicle going up Hillcrest Road crossed over the yellow line striking the vehicle coming down the road head on. He said one victim was airlifted to Newark University Hospital and the other was transported to the same hospital by ambulance. The Department had been busy dealing with snow related issues closing Hillcrest Road due to slippery conditions over the last few months. Chief Cina also reported Route 78 had to be shut down due to icing conditions and the State Police called asking for our assistance with several vehicles off

the road or on the median. Unfortunately, we lost one of our SUVs in the process when another vehicle slid into the back of our vehicle. He stressed the great relationship all of our emergency services have. When the Police lost the use of the SUV Adam Wexler volunteered the use of one of the Rescue Squads' SUV. Chief Cina said it was unsure how long Rte. 78 would be closed and there was a possibility there would be a need for temporary shelter so he contacted OEM Coordinator Gary Greves who contacted both Adam Wexler of the Rescue Squad and Chief Carlucci of the Fire Department to start the process of setting up temporary shelters. Fortunately, they were not needed. He also discussed the Somerset County Police Academy is out of service for training and there could be hiring issues in the future. Chief Cina reported a new company has taken over the Reverse 911 system and at first there were a few problems but all has been worked out.

Fire Department – no report was submitted.

Rescue Squad – Councilman Black commended the Rescue Squad for working with the Police Department. He said he spoke with Adam Wexler today and discussed the meeting which was held last Tuesday which consisted of discussions on the Strategic Plan and their Mission Statement. The Squad asks all members for their input to help make the Squad better, what can be improved and suggestions on how to make these improvements.

11. Emergency Management – no report was submitted.

12. Attorney – Mr. Cruz had no report.

Clerk – Ms. DeRocco reported she received a letter from the County's Community Development Office thanking us for our donation of food and clothing from the Holiday Party. She said these donations went to the County's Point in Time Survey that was done on January 29<sup>th</sup>. Ms. DeRocco said County Employees actually go out on the streets to count the Counties' sheltered and unsheltered homeless persons for that one day. They distribute these items to the homeless and the Community Development wanted the Borough to know the recipients are always very grateful. Ms. DeRocco also reported the Borough has been working on converting all of our email services from ".com" to ".gov" and the transition is now complete. She said if anyone needs assistance with passwords or retrieving their mail they should contact Bill Hance and he will help them. Ms. DeRocco reported today was our annual "Go Red for Heart Health" day in the office, and she thanked Denis Kelly from the Echoes for taking the picture and participating. She also wanted to thank Linda Monetti for making the arrangements and providing the delicious, healthy snacks. We raised over \$350.00 for the American Heart Association.

Administrator – Mr. Atkins said he will be attending the JIF Insurance Fund meeting tomorrow and will get information to the Council members to sign up for the online training. He said last year when all successfully completed the training there was a \$2,000 credit to the Boroughs' insurance premium. Mr. Atkins said there was clarification from the League of Municipalities on the Affordable Care Act regarding part time employees and volunteers and after many inquiries to the Department of Health and Human Services and the Federal Government said it does not pertain to anyone in those categories. Mr. Atkins also referred to Resolution R2 on the agenda is very important because when you have a 2% appropriations cap you cannot have a binding arbitration which could possibly give them more than 2%. He also mentioned R11 -NJ American Water grant request and due to the efforts of Chief Carlucci, Tom Herits and Maria Fittipaldi he would like the Council to approve this so it can be submitted. Councilman Gibbs asked if Mr. Herits has given us the contact information for the Grants person in the Maser office, and Mr. Atkins said he would follow up on it. Mayor Pote said we should request a proposal from Mr. Herits.

Mayor Pote asked Chief Cina, in regard to the icing incident on Route 78, if any type of debriefing or follow-up procedure is implemented to avoid this in the future. Chief Cina was asked about the medical condition of Officer Mike Bouchard and the Chief said he had been released from the hospital. Chief Cina said considering the extreme conditions of the road and the higher speeds it is something that can be looked at for the future. Mayor Pote also wished to thank the Boy Scouts for their invitation to the Eagle Scout Court of Honor, which both he and Councilman Franklin attended. Two Scouts were honored - Brian Delfs and Walter Pennett and said the Borough is very fortunate to have Troop 32 who have had quite a few Eagle Scouts. He also reported the Planning Board met last night and Tracee Schaeffer is now the Chair Person taking over for Donald Speeney who has been the Chair for the past 22 years. Mr. Speeney will still be on the Board as a member and Mayor Pote said he has protected the Borough Master Plan to keep our community the way it is. Mayor Pote also acknowledged Public Works for a job well done during all the snow storms and Ms. DeRocco, Mr. Atkins and Councilman Nehls for keeping all informed. He also thanked the Fire Department for their help with clearing the snow and ice from the hydrants.

## PUBLIC PORTION / AGENDA ITEMS ONLY

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### UNFINISHED BUSINESS

A Public Hearing on Ordinance OR:14/04 entitled "**AN ORDINANCE AMENDING APPENDIX A PART 1 RULES OF ORDER OF THE MAYOR AND COUNCIL OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG BY AMENDING THE DAY OF THE REGULAR MEETINGS.**" was held.

Councilwoman Joren moved a public hearing be held with a second by Council President Nehls and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, "aye."

Lynda Goldschein, Sherwood Drive, questioned what exactly this ordinance was amending and Mayor Pote explained it was to change the Council meeting dates to the first and third Thursday of each month instead of the second and fourth.

With no other public wishing to be heard Councilwoman Joren closed the public portion and moved the following resolution:

R1:02/13/14 Adoption of OR:14/04 - Amend Appendix A of the Borough Code - Meeting Dates

Council President Nehls seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, "aye."

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### NEW BUSINESS

**CONSENT AGENDA:** The Consent Agenda resolutions listed below were unanimously adopted following a motion by Council President Nehls and a second by Councilwoman Joren and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, "aye."

Approval of the following Council minutes:

December 20, 2013 - Special Meeting: Regular  
January 23, 2014

Acknowledging Receipt of the following Borough Reports:

Police Activity Report - December, 2013; January, 2014  
Building Department Report - January, 2014

Acknowledging Receipt of the following Correspondence:

#4 - NJ American Water 1/24/14 Notice of Public Hearings re: a petition to change the Levels of its Purchased Water Adjustment and Purchased Wastewater Treatment Adjustment clauses which may result in an increase or decrease to existing water and sewer rates  
c: M & C, TEA, BH

#5- Township of Warren 1/27/14 Notice of Public Hearing on Land Use Ordinance #14-04, establishing a HNB-Historic Neighborhood Business District  
c: M & C, TEA, Pl. Bd., TH

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**CONSENT AGENDA RESOLUTIONS:** The Consent Agenda resolutions listed below were Unanimously adopted following a motion by Council President Nehls and a second by Councilwoman Joren and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, "aye."

R2:02/13/14 Urging Legislature to Permanently Extend the 2% Cap on Interest Arbitration Awards

R3: Appointment to Recreation Commission - Mike Onuska

R4: Authorize Treasurer to Issue Duplicate Tax Payment Refund - 97 Anderson Road

R5: Authorize Contracts through Morris County Co-op / Finch Fuel Oil Company, Inc.

R6: Authorize Transfer of Titles - Surplus Vehicle Auction

R7: Accept Tree Replacement Plan and Tree Bond - 909 Johnston Drive

R8: Accept Tree Replacement Plan and Tree Bond - 915 Johnston Drive

- R9: Appointment to Fire Department / Junior Member - Siena Martino
- R10: Authorized Execution of Contract for Board of Health Services - MiddleBrook  
Regional Health Commission
- R11: Authorize Submission of Grant Application / NJ American Water – Fire Department
- R12: Authorize Emergent Temporary Laborers / Dept. of Public Works – Lane Solon,  
Ryan Valentino

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**NON-CONSENT AGENDA ITEMS:** Items listed below will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion.

Councilman Franklin moved the following resolution:

R13:02/19/14 Authorizing the Execution of Loan Agreements with the NJEIT / Johnston Drive and Valley Drive Sanitary Improvement Project

Councilman Franklin explained this is a lengthy resolution and the entire resolution is in the Clerks Office at Borough Hall and anyone wishing to see it in its entirety can view it there.

Councilman Black seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, “aye.”

Councilman Franklin moved the following resolution:

R14: Authorizing Bond Issues and Providing for Sale / NJEIT

Councilman Franklin explained this also is a lengthy resolution and the entire resolution is in the Clerks Office at Borough Hall and anyone wishing to see it in its entirety can view it there.

Councilman Black seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, “aye.”

Councilman Black moved the following resolution:

R15: Payment of Bills

Councilman Gibbs wished to let the residents in the audience know this is a great opportunity for them to see exactly where their tax payer dollars go and he mentioned the portion of the bill list paid to the Board of Education. He just wanted the public to know the Mayor and Council try very hard to control the cost of running the Borough and Councilman Black said they are doing a very good job controlling expenditures.

Councilman Franklin seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, “aye.”

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Discussion: Council Ad-Hoc Committee / Library Study

Mayor Pote said he appointed a Sub-Committee of the Council in January consisting of three l members: Councilman Franklin as Chair, and Councilman Gibbs and Councilwoman Beck Clemens. He explained that they were charged with finding alternatives for the library and exploring available options, by our February 13<sup>th</sup> meeting. The Mayor also said Mr. Spencer Kype, owner of Valley Furniture, and his daughter Penny are here this evening to answer any questions the Council or anyone from the library study committee may have regarding his property.

Councilman Franklin reported this Committee was given reports from the Library Study Committee when they met and he said some of these reports were not on file at Borough Hall and requested copies from Committee member Virginia Hartman. She said she would provide copies. Councilman Franklin said the Ad-Hoc committee also met with the Library Advisory Committee and gave them information on options that are being discussed, and he said they will be meeting with them again. He also said Engineer Tom Herits and Maser Consulting are preparing a topography of lots including the Arts Center lot, the lot behind the Art Center, and the lot that the current library is on now. He said they are doing at least two renderings for a building there, and they have discussed options for these

buildings. One option would be for an “engineered building,” a unique concept and cost wise a good option. Councilman Franklin said Maser has done one in Bellville, which is used as a gymnasium and he would like to set up a date to go see the building. He said the Borough will get a cost estimate, a guess only, for a building with 15,000 sq. ft. for about 2.1 million dollars. Councilman Franklin also said the Committee will be meeting with the Arts Center because one of the options does involve them. Mayor Pote asked if the Ad-Hoc committee is still discussing four options and Councilman Franklin said they are looking at Valley Furniture building, a new building, merging with Warren, and renovating the current building, but if that building does not have a fire break between floors, by States statute it can not be renovated and it will be taken off as one of the options. Councilman Gibbs said the Committee needs to see the potential renderings from Maser and said once we have these we can probably move quickly. Mayor Pote stressed the need to prioritize what needs to get done first. Councilman Franklin said in discussing a shared service with Warren, the Borough should know their current budget for the maintenance, utilities, etc. and what type of sharing of those costs would be involved and he also said if this does become an viable option it would have to be a long term agreement. Councilman Gibbs said even if Warren agrees the current amount the Borough’s payments may go up. Councilman Black questioned how much land is on the site being considered and Councilman Gibbs said approximately 4 acres.

Debra Downs, High Tor Drive, said the proposed renovation included constructing a fire break in the current building. She also stressed the Study Committee strongly opposes joining the Warren Library.

Mayor Pote asked Mr. Kipe and his daughter, Penny to come forward. Mr. Atkins asked Mr. Kipe when he purchased the building and Councilman Franklin questioned how old the buildings are. Mr. Kipe said he purchased the buildings in 1974 and the actual dates for when the buildings were erected are on the plans, he thinks about 70 years ago. Councilman Franklin asked if Mr. Kipe had flood insurance on the buildings and he responded he did at one time but never had water in the buildings since he has owned it. Mayor Pote asked if he just had minimal flood insurance on the property and Mr. Kipe said he had all types of insurance but no flood insurance later. Councilman Gibbs mentioned the FEMA maps put the site in a flood area and Mr. Kipe said he knew he was in a flood zone. Councilman Gibbs also asked he Mr. Kipe if he ever tried to initiate changing the designation with FEMA and he responded he did not. Councilman Gibbs said there are strict State and Federal regulations when trying to renovate or change an existing building that is in a FEMA flood zone area. Mr. Kipe said he thinks the building has to stay the way it is. Mr. Kipe said he can only wait for so long but he cannot wait indefinitely to sell the building. Councilman Nehls asked how the buildings are heated and Mr. Kipe said he has five zones, explaining the back building uses oil and the front building is gas, and said years ago the front was oil but converted to gas. Councilman Nehls asked if the oil tank was above ground or underground and Mr. Kipe said it was an underground tank which he had removed and also a tank on the town property which he also paid to have removed. The current tank is above ground. Councilman Nehls questioned the hydraulic elevators and wanted to know if it is an above ground tank for that and Mr. Kipe responded it is an above ground tank and there were never any leaks or issues with the hydraulics. Mayor Pote questioned if the current partitions that are in place now are easily removed and he was told they are temporary and can be removed easily. Mayor Pote also asked if anyone from the sub-committee has visited the buildings and no one has. He said he would like to set up a meeting to visit the site and Mr. Kipes’ daughter, Penny said she would be glad to assist with this. He was also sure the Library Study committee would like to visit the site also. The only day not good for her is a Tuesday. It was decided to try to set up a meeting with her to visit the building.

Diddy Addario, Rock Avenue, commented the Rescue Squad treasures the carved sign Mr. Kipes’ family donated to them. She also said since the stream was redirected there has been very little flooding.

Mayor Pote said the Sub-Committee must now look at their priorities in the order they need to proceed. He would like a report of the alternatives by the last meeting in April.

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**PUBLIC PORTION - GENERAL DISCUSSION**

Engy Gadelmawla, Holly O’Byrne, students from Watchung Hills Regional High School, thanked the Mayor and Council for their continued support of their annual White Out Day, a day in which students work together to bring awareness to bullying. They asked permission to again this year put ribbons and posters around the lake from February 28 – March 14<sup>th</sup>. The students will put them up and take them down. Mayor Pote said he has no problem with this and the Council members agreed. Engy said they will not be marching to Borough Hall as their program is a little different this year, however, asked the Mayor if he would consider a Proclamation. She said the actual “white out day” is March 7<sup>th</sup>. Engy said this year’s goal was to get the individual schools to work independently to promote awareness against bullying. Mayor Pote thanked the ladies for coming this evening.

Lynda Goldshein, Sherwood Drive, asked Tom Franklin about the potential of an ‘engineered building’ which he mentioned earlier, for the library. She wanted to know if this is just a shell or does

it include plumbing/heat/electric. He said it is a shell to begin with but the pumbing/heat/electric can all be included. Councilman Gibbs said Public Service has some of these buildings and they are prepped so the installation of the utilities is relatively easy. She also could not understand why a homeowner can't be ticketed for plowing snow into the roadway. Ms. Goldshein also agrees with not joining the Warren Library.

Diddy Addario, Rock Avenue, said the Library Study Committee feels strongly about not joining Warren and said residents want a library in the center of town and it should be a Community Center/Library/Cultural Building. The Borough does not get our monies worth for what we pay the County Library system because we don't have room to have the programs the County could provide, and since "Sandy" we need a place for Borough residents to go to get information, to keep warm, etc. She said the Study Committee is in favor of the Valley Furniture site.

With no other members of the public wishing to be heard Mayor Pote closed the public portion of the meeting.

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**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 10:08 P.M. to the Call of the Chair, and to the next scheduled Council meeting to be held on March 6, 2014, at 7:30 P.M.

Respectfully submitted,

MaryAnn Hance, Deputy Clerk